

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRACEY EMERSON; DENNIS M. CARTER,

Plaintiffs,

-against-

NYCHA,

Defendant.

20-CV-1552 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiffs, appearing *pro se*, submitted their complaint without the filing fees or IFP applications. By order dated February 24, 2020, the Court directed Plaintiffs to either pay the \$400.00 in fees or each complete, sign, and submit an IFP application, within thirty days of the date of that order. On March 5, 2020, Plaintiff Tracey Emerson filed an IFP application (ECF No. 4), and on March 6, 2020, Plaintiff Dennis Carter filed an IFP application (ECF No. 3).

Because Plaintiff's IFP applications were insufficient to establish that they are unable to pay the filing fees, by order dated March 10, 2020, the Court directed Plaintiffs, within thirty days, to submit amended IFP applications or pay the \$400.00 in fees required to file a civil action in this Court. That order specified that failure to comply would result in dismissal of the complaint. Plaintiffs have not filed amended IFP applications or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiffs and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 27, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge